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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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<p>ALFREDO GONZALEZ, v. Plaintiff,</p> <p>WELLS FARGO BANK, N.A.; AMERICA'S SERVICING COMPANY; MERIDIAS CAPITAL, INC.; U.S. BANK, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; ALLISON KEACH; LORI KING; eTITLE INSURANCE AGENCY; LAURA ANN HUFF; JACOB HUFF; and DOES 1-50, Defendants.</p>	<p><b>MEMORANDUM DECISION AND ORDER DISMISSING REMAINING DEFENDANTS AND CLOSING THE CASE</b></p> <p>Case No. 2:12-cv-00286-DN District Judge David Nuffer</p>
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In March 2012, Plaintiff Gonzalez filed a complaint<sup>1</sup> in the Third Judicial District Court, State of Utah alleging six (6) causes of action against the Defendants. On March 23, 2012, Defendants filed a notice of removal.<sup>2</sup> As of January 7, 2014, Defendants Meridias Capital Inc., Allison Keach, Lori King, eTitle Insurance Agency, and Does 1-50 have not been served. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, a plaintiff is required to serve the summons and complaint upon the defendant within 120 days after filing the complaint.<sup>3</sup> However, “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”<sup>4</sup> Otherwise, the court “must dismiss the action without

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<sup>1</sup> [Docket no. 2-1](#), filed March 23, 2012.

<sup>2</sup> [Docket no. 2](#), filed March 23, 2012.

<sup>3</sup> Fed. R. Civ. P. 4(m).

<sup>4</sup> *Id.*

prejudice against that [unserved] defendant or order that service be made within a specified time.”<sup>5</sup>

This Court ordered Plaintiff to show cause why Defendants Meridias Capital Inc., Allison Keach, Lori King, eTitle Insurance Agency, and Does 1-50 have not been served.<sup>6</sup> Plaintiff’s response to that order does not attempt to make such a showing.<sup>7</sup> Therefore, Defendants Capital Inc., Allison Keach, Lori King, eTitle Insurance Agency, and Does 1-50 are dismissed without prejudice.

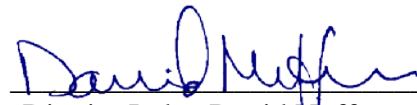
Defendants Wells Fargo Bank, N.A.; America’s Servicing Company; U.S. Bank, N.A.; Mortgage Electronic Registration Systems, Inc.; and Jacob Huff and Laura Ann Huff were previously dismissed from the case.<sup>8</sup> There are no defendants remaining and the case is ready to be closed.

## **ORDER**

IT IS HEREBY ORDERED that Defendants Meridias Capital Inc., Allison Keach, Lori King, eTitle Insurance Agency, and Does 1-50 are DISMISSED without prejudice. The Clerk of the Court is instructed to close the case.

Signed January 7, 2014.

BY THE COURT



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District Judge David Nuffer

<sup>5</sup> *Id.*

<sup>6</sup> Order to Show Cause, [docket no. 28](#), filed June 24, 2013.

<sup>7</sup> Response to Order to Show Cause, [docket no. 31](#), filed July 17, 2013.

<sup>8</sup> Memorandum Decision and Order Granting Motion to Dismiss for Failure to State a Claim, [docket no. 27](#), filed June 6, 2013.